

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BRICKLAYERS INSURANCE AND
WELFARE FUND, BRICKLAYERS
PENSION FUND, BRICKLAYERS
SUPPLEMENTAL ANNUITY FUND,
BRICKLAYERS AND TROWEL
TRADES INTERNATIONAL
PENSION FUND, NEW YORK CITY
AND LONG ISLAND JOINT
APPRENTICESHIP AND TRAINING
FUND, INTERNATIONAL MASONRY
INSTITUTE, JACK ARGILA, in his
fiduciary capacity as Administrator and
Chairman of Trustees, BRICKLAYERS
LOCAL 1, INTERNATIONAL UNION
OF BRICKLAYERS AND ALLIED
CRAFT WORKERS, and
BRICKLAYERS LABOR
MANAGEMENT RELATIONS
COMMITTEE,

MEMORANDUM AND ORDER

Case No. 22-CV-2796-FB-MMH

Plaintiffs,

-against-

INTERBORO CONTRACTING, INC.,
and RAJESH SINHA,

Defendants.

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BLOCK, Senior District Judge:

The parties to this action for unpaid benefits under the Employment
Retirement Income Security Act of 1974 entered into a stipulation under which the
defendants agreed to make seven monthly payments of \$9,000.00 to the plaintiffs.

In the event of non-payment, the defendants agreed to allow a default judgment for the unpaid balance, plus liquidated damages, audit costs, and post-judgment interest of 10% to be entered against them after a notice of default and opportunity to cure. The Court retained jurisdiction to enforce the stipulation.

The defendants failed to make the fifth, sixth and seventh payments. Plaintiffs' counsel duly served a notice of default, but the defendants did not cure within the stipulated time. The plaintiffs now move for a default judgment in accordance with the stipulation. The defendants have not responded.

By the terms of the stipulation, the plaintiffs are entitled to a default judgment for \$27,000.00, plus liquidated damages of \$8,257.02 and audit costs of \$2,289.90, for a total of \$37,546.92. Accordingly, the Clerk shall enter judgment in that amount against the defendants, jointly and severally, with a provision that the judgment will accrue interest at the stipulated rate of 10% per year from the date of entry until paid in full.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
November 7, 2023